



Paper No. 4

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In re Application of:
THORMAN, CHRISTOPHER SCOTT, *et al.*
Application No. 09/597,069
Filed: 06/20/2000
Attorney Docket No. 15301-US
Title of Invention :
CLEANING DEVICE FOR A MOWER CUTTING
CHAMBER

OFFICE OF PETITIONS
DECISIONS
PETITION

This is a decision on the petition under 37 C.F.R. §1.10(c), filed September 19, 2000, requesting that the above-identified application be accorded a filing date of June 19, 2000, rather than the presently accorded filing date of June 20, 2000.

THE RULE

37 C.F.R. § 1.10 Filing of correspondence by "Express Mail."

(a)...

(b)...

(c) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

(d)...

...

ANALYSIS

This petition lacks a true copy of the Express Mail mailing label as required under 37 C.F.R. §1.10(c)(3) above.

In view of the above, *this petition is **dismissed**.*

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. 37 C.F.R. §1.137(d). The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(b)".

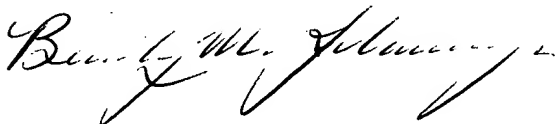
Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
Four Crystal Plaza, Suite 3C23
2201 South Clark Place
Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to Petitions Attorney Scott M. Ledford in the Office of Petitions at (703) 306-5593.



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Office of the Deputy Assistant Commissioner
for Patent Examination Policy